

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Applicant(s):	Timothy J. Nichols	Examiner:	Matthew Smithers
Serial No.:	09/431,881	Group Art Unit:	2137
Filed:	November 2, 1999	Docket No.:	P-8560.00
Title:	Method and Apparatus to Secure Data Transfer from Medical Device Systems		

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**DECLARATION UNDER 37 CFR 1.131 ANTEDATING A REFERENCE**

I hereby declare the following:

- 1) I am currently and correctly named as an inventor in the pending patent application entitled "Method and Apparatus to Secure Data Transfer from Medical Device Systems", Serial number 09/431,881.
- 2) The invention disclosed within the above-referenced patent application was conceived of by me prior to October 21, 1999.
- 3) I am currently an employee of Medtronic, Inc., and have assigned the above referenced patent application to Medtronic, Inc.
- 4) The above referenced assignment was recorded with the United States Patent and Trademark Office on November 2, 1999 at reel/frame 010369/0372
- 5) I submitted an invention disclosure to the legal depart of Medtronic, Inc. prior to October 21, 1999.
- 6) The invention disclosure describes the invention now claimed in the above referenced application.
- 7) As factual evidence to support this declaration, a final draft of the above referenced patent application was submitted to patent counsel of Medtronic, Inc. as prepared by Medtronic, Inc.'s outside patent counsel Dickie, Billig & Czaja, P.A. and mailed on September 21, 1999.

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- 8) A letter from Medtronic, Inc.'s outside patent counsel Dickie, Billig & Czaja, P.A., bearing the date of September 21, 1999 indicates that the draft was sent and references Medtronic, Inc.'s file of P8560.
- 8) That draft included the invention now described and claimed in the above referenced patent application and conceived of by me prior to September 21, 1999, and is at least substantially similar, if not identical to the above referenced currently pending application.
- 9) I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Date: 24-June-2004

Timothy J. Nichols  
Timothy J. Nichols

# DICKE, BILLIG & CZAJA, P.A.

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September 21, 1999

Girma Wolde-Michael  
MEDTRONIC, INC.  
7000 Central Avenue NE  
Minneapolis, MN 55432

RE: U.S. Patent Application  
METHOD AND APPARATUS TO SECURE  
DATA TRANSFER FROM REMOTE IMPLANTABLE  
MEDICAL DEVICE

Our File No.: M195.111.101

Medtronic File No.: P8560.00US

~and~

U.S. Patent Application

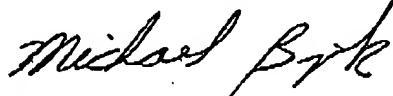
[REDACTED]  
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Dear Mr. Wolde-Michael:

Enclosed please find a second draft of two patent applications for your review. Once you have had a chance to review the two enclosed applications, please feel free to contact me at your convenience to discuss whether either of these cases need to be edited. If you have any questions or comments, please feel free to contact me at your convenience. I look forward to working with you on the above-referenced cases and other future cases.

Sincerely,

DICKE, BILLIG & CZAJA, P.A.



Michael R. Binzak

MRB:jac  
Enclosures